

**Notice of Allowability**

Application No.

09/594,393

Examiner

Devona E. Faulk

Applicant(s)

ARNDT ET AL.

Art Unit

2644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/21/2004.
2. ☒ The allowed claim(s) is/are 1-6, 8-10.
3. ☒ The drawings filed on 6/15/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. The applicant's amendment and response have been entered.

#### ***Response to Arguments***

2. Applicant's arguments filed 6/21/2004, with respect to claims 1 and 6 have been fully considered and are persuasive. Claims 1-6,8-10 are allowable. Claim 7 was cancelled by the applicant.

#### ***Reasons for Allowance***

3. Claims 1-6,8-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1,6 and 9, prior art Sigwanz (U.S. Patent 6,539,096) discloses a method for producing a variable directional microphone characteristic and digital hearing aid. Prior art Koroljow et al. (U.S. Patent 6,154,552) discloses a hybrid adaptive beamformer. Prior art Anderson (U.S. patent 5,721,783) discloses a hearing aid with wireless remote processor. Prior art Ishige et al. (U.S. Patent 5,852,668) discloses a hearing for controlling hearing sense compensation with suitable parameters internally tailored. Prior art Weinfurtner (EP 0 788 290) discloses a programmable hearing aid having an amplifier and transmission stage that can be adjusted to different transmission characteristics so as to vary the transmission properties between the microphone and the earphone. The prior art or combination thereof discloses a hearing having a microphone arrangement with filters connected and hearing aid with adaptive processing and of hearing aids with directional microphones. However, the prior art or combination thereof fails to disclose or make obvious the claimed invention, particularly "in said measuring and evaluation unit, calculating filter parameters from said electrical signals that

Art Unit: 2644

conform said directional characteristic to a predetermined, desired directional characteristic; and supplying said filter parameters from said measuring and evaluation unit to said filters in said hearing aid for setting at least one of said amplitude response and said phase response in each of said filters". The prior art that teaches of external processing teach that all processing is done in the external unit and there is no feedback of filter parameters as claimed. As such, the prior art fails to disclose or make obvious a method for adapting a hearing aid and a hearing aid arrangement as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**FORESTER W. ISEN**  
**SUPERVISORY PATENT EXAMINER**